

136. The passive safety mechanism of claim 132 wherein said blocking means acts directly upon a sear catch of said firing element.

137. The passive safety mechanism of claim 132 wherein a positive stop means limits the maximum downward position of said blocking means.

138. In a firearm having a sear, a trigger, a triggerbar, and a longitudinally slidable firing element; a passive safety mechanism comprising:

- a. a blocking means to block said firing element;
- b. a connecting means which connects said blocking means to said trigger;
- c. a spring means to bias said blocking means into position so as to block said firing element;

characterized in that said spring means performs at least one additional function.

139. The passive safety mechanism of claim 138 wherein said spring means biases said trigger toward the battery position.

140. The passive safety mechanism of claim 139 wherein said spring means comprises a torsion spring, said torsion spring having a mandrel that acts as a positive stop means which limits the maximum downward position of said blocking means.

#### Remarks

These above claims are submitted to be patentable over the art of record for the following reasons.

#### Khoury Does Not Show a Slidable Blocking Means Which Performs an Additional Function

The last O.A. rejected independent claim 101 on Khoury under Section 102(b). Claim 101 has been rewritten as new claim 121 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 121 for the following reasons.

(1) Claim 121 recites a longitudinally slidable firing element and a slidable blocking means, stipulating that said blocking means also performs an additional function. This language represents novel structure and distinguishes over Khoury under Section 102. The slidable blocking means of Khoury performs no additional function.

**The Rejection of Dependent Claims 103 and 106-107 On Khoury Is Overcome**

Dependent claims 103 and 106-107 were rejected on Khoury under Section 102(b). Claim 107 has been cancelled. Claims 103 and 106 have been rewritten as claims 122 and 126. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claims for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

- (1) The independent claim upon which these claims are dependent clearly defines patentably over this reference under Section 102. Khoury does not show a slidable blocking means which performs an additional function.
- (2) Claim 103, now claim 122, recites a slidable blocking means which provides a bearing surface for a triggerbar. This is novel structure not shown in Khoury.
- (3) Claim 106, now claim 126, recites a slidable blocking means, the removal of which results in the disengagement or misalignment of at least one additional part. This is novel structure believed to be completely unique in basic concept.

#### **Meidel Does Not Show a Slidable Blocking Means Which Performs an Additional Function**

The last O.A. rejected independent claim 101 on Meidel under Section 102(b). Claim 101 has been rewritten as new claim 121 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 121 for the following reasons.

- (1) Claim 121 recites a longitudinally slidable firing element and a slidable blocking means, stipulating that said blocking means also performs an additional function. This language represents novel structure and distinguishes over Meidel under Section 102. Meidel does not show a slidable blocking means, much less one which performs an additional function.

#### **The Rejection of Dependent Claims 102-103 and 106-107 On Meidel Is Overcome**

Dependent claims 102-103 and 106-107 were rejected on Meidel under Section 102(b). Claims 102 and 107 have been cancelled. Claims 103 and 106 have been rewritten as claims 122 and 126. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claim for the following reasons. Applicant also requests that Examiner advise if any claims dependent on a rejected base claim would be allowable if rewritten in independent form.

- (1) The independent claim upon which these claim are dependent clearly defines patentably over this reference under Section 102. Meidel does not show a slidable blocking means which performs an additional function.

#### **Claims 115-119 Have Been Cancelled**

The last O.A. rejected independent claim 115 and dependent claims 116-119 on Mattarelli under Section 102(b). These claims have been cancelled.

**Previously Approved Claims 88-92 Have Been Renumbered**

Claims 108-114 have been renumbered as claims 127-133. Claim 110, now claim 129, has a minor change of language.

**Objection to Claims 104-105 and 120**

Claims 104-105 and 120 were objected to as being dependent upon a rejected base claim. Applicant is most grateful to Examiner for insight into drafting allowable claims and hopes such assistance will be provided in the future; however, at present these claims have not been redrafted in independent form. Claim 104 has been rewritten as new dependent claim 123. Claim 105 has been cancelled. A permutation of claim 120 has been rewritten as new dependent claim 140. Applicant again wishes to express gratitude for notification regarding any claims dependent on a rejected base claim which would be allowable if rewritten in independent form.

**Conclusion**

For all the above reasons, applicant submits that the specification and claims are now in proper form and that the claims all define patentably over the prior art. Therefore, applicant submits that this application is now in condition for allowance, which action is respectfully requested.

**Conditional Request for Constructive Assistance**

If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 706.03 (d) and 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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Date: 2001 July 9

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